

AN ACT relating to felony mediation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

→ SECTION 1. A NEW SECTION OF KRS CHAPTER 455 IS CREATED TO
READ AS FOLLOWS:

(1) As used in this section:

(a) "Domestic violence and abuse" has the same meaning as in KRS 403.720;

and

(b) "Protective order" has the same meaning as in KRS 508.130.

(2) A court may order felony mediation if the defendant and the Commonwealth's attorney, after consultation with the victim, agree to mediation and the court determines the public interest is not harmed by ordering felony mediation.

(3) The Supreme Court may establish rules for felony mediation and direct the Administrative Office of the Courts to create forms for the proper administration of the felony mediation program.

(4) Rules adopted by the Supreme Court may include:

(a) Qualifications of felony mediators;

(b) The process for referral of a case to felony mediation;

(c) Procedures which ensure that felony mediation is voluntary and fair to defendants and victims; and

(d) Procedures for program operations, reporting, and records.

(5) No case involving domestic violence and abuse, or any other matter if either of the parties has a protective order against the other, shall be eligible for felony mediation, unless requested by the victim and the court determines the victim's request is voluntary and not the result of coercion.

(6) The Chief Justice shall submit an annual report to the Interim Joint Committee on Judiciary by November 1 of each year that includes:

(a) Felony mediation data by county, including:

- 1 1. The number of cases referred to felony mediation;
- 2 2. The classification of offenses referred to felony mediation;
- 3 3. The number of felony pleas agreed to at felony mediation;
- 4 4. The number of misdemeanor pleas agreed to at felony mediation; and
- 5 5. If the case was not resolved through felony mediation, the number of
6 cases that went to trial; and
- 7 (b) Rules adopted concerning felony mediation and any proposed or
8 subsequent changes.